

# Voting for Internal Secession

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20 November 2019 might go down in history as one of the turning points for federalism in Ethiopia. It was the day on which the unparalleled clause of the Ethiopian Constitution, which provides ethnic communities with the right to establish their own state (i.e. subnational unit), was put into practice. Finally, after clamoring for their own state for years, the Sidama, the fifth largest ethnic group in the country, were allowed to have their day in a referendum. On the morning of that historic day, there were already long queues of excited voters. According to the results announced by the National Electoral Board, 98.5% voted for the creation of the Sidama state.

## Referendum without genuine deliberation

The result demonstrates that there is a proven support for the establishment of the State of Sidama. The Constitution requires the demonstration of support in the form of a simple majority. The fact that the referendum has returned an overwhelming majority supporting the establishment of the State of Sidama means that there is a clear and very strong majority in favor of internal secession. Unfortunately, the circumstances under which the referendum was conducted has left unnecessary stain on the results of the referendum. This was not a referendum that was preceded by a process in which the public was given the chance to reflect on the merits of a new state.

Even after a decision was made to conduct a referendum and the date of the referendum was fixed, it is difficult to claim that there was a forum that allowed the 'leave' and 'remain' camps to participate in a genuine deliberative process. The Ethiopian Human Rights Commission and a consortium of civil society organizations have also expressed their reservations that this was a referendum without a proper campaign season. To be precise, there was a lot of campaigning, but it was one-sided. It was only the voice of those that clamored for the creation of the new state that dominated the months leading to the event. Those that belonged in the 'remain' camp did not or were not able to make their case. The environment needed for voters to receive information and reflect on that information was simply non-existent. That may not have significantly altered the results of the referendum, but it casts doubt on whether the public was well informed on what it was asked to vote. That has reduced the referendum into a ceremonial act that is simply used to tick all the boxes of the constitutional requirement. This is unfortunate. After all, referendums are not cheap, both politically and financially.

## **What is next?**

The favorable outcome for the creation of the State of Sidama paves the way for the inclusion of a 10th state to the Ethiopian federation. It is not clear, however, if the demonstration of proven support in a form of a referendum is enough to complete the act of creating a new state. Perhaps, the next stage is to amend the constitution so that the latter features the State of Sidama among the list of the states that make up the federation. It is not clear how the federal government intends to go about this. Would this be accomplished by a simple act of parliament? As I argued elsewhere, that would not be constitutionally proper.

It would be difficult to consider the inclusion of a new state as nothing less than a constitutional amendment. And if it is a constitutional amendment, it requires the blessing of not only the House of Peoples Representatives but also the House of Federation, the other house of the federal parliament, as well as the support of the state parliaments. This might look like a constitutional hurdle that is difficult to overcome. But politically speaking, it is not. After all, Ethiopia is a dominant-party state, where the ruling party controls the federal government and all state governments. Even if the overreaching hand of the ruling party is not as strong as it used to be and democratic centralism has been dying slowly, one can confidently predict that the ruling party can get the state governments behind a constitutional amendment that aims at the constitutional recognition of the new state.

I would even be surprised if the State of Tigray, that is now increasingly and frequently at loggerheads with the federal government, refuses to support a constitutional amendment to that effect. Yet, it is possible that the federal government may not be bothered about amending the Constitution and simply act as if the business of creating a new state is completed. That would not look good for a government and a Nobel-prize winning Prime Minister that professes the dawning of an era of constitutionalism and rule of law.

## **The implications of a new state**

The creation of the Sidama state represents the introduction of one more ethnically defined state; a state that would be explicitly associated with a particular ethnic group. This means that the ethnic basis of the Ethiopian federal system will be further strengthened.

That perhaps also explains the strong support that the movement for the creation of the Sidama state enjoyed from some of the movements that claim to represent the Oromo, the largest ethnic group in the country, that basically want to strengthen subnational citizenship based on the ethnic nature of the federal arrangement. This might be a blow to those that have always considered, and perhaps correctly so, the communities that make up the 'State of the Southern Nations, Nationalities and Peoples', from which the Sidama have decided to break away, as one of the strongholds of pan-Ethiopian conception of citizenship. The campaign that led to the creation of the new state and the establishment of an ethnically defined state might

have dented the hope of those that were planning to use the Southern population to challenge subnational citizenship and ethnic federalism. The offshoot, it seems, is the reinforcement of the federal design that attaches importance to ethnicity as a primary political identity.

The floodgate effect of the creation of the Sidama state was evident long before a decision was made to let the Sidama have their say on a referendum. Not less than ten other ethnic communities have demanded their own states.

In fact, reports indicate that members of the Welayta ethnic group, the second largest ethnic group in the same beleaguered state, have started, like their Sidama counterparts, a countdown to the day on which they should be given an opportunity to vote on a referendum. It is not clear on what basis the federal and state governments can reject the similar demands of the Welayta and others after heeding to the requests of the Sidama, albeit grudgingly. But then again it is difficult to accept every request.

I am not sure if the provision of territorial solution in the form of the creation of new state is a viable and, and more importantly, sustainable solution to the concerns of ethnic communities. In a country where there are more than eighty ethnic groups, the territorial solution is not a feasible solution. Not every ethnic group can have its own state. One can only go on dividing the country so far unless one wants 'each town to become a state'. This might also lead to the creation of micro-subnational units that are not economically viable. Adopting a response that is based on the provision of a territorial solution, in the form of a new state, might also create perverted incentive. Given the fact that territorial entities are the sites of resource and patronage, the political elite might demand the creation of new states simply to benefit from the dividends of controlling a new state.

At the same time, the floodgate effect should not be a reason to outrightly dismiss the legitimate demands of ethnic communities. Ethiopia will not be the first federation to see the breakup of existing states and the creation of new ones. Nigeria started as a federation of three states. It is now composed of 36 states. The story is the same in India where 15 new states were carved out from 14 states between 1956 and 2009. And both countries continue to entertain demands for the creation of new states. Yet, neither of them is facing the imminent danger of disintegration.

It is also important to remember that Ethiopia started the road to federalism with 14 states before the current constitution and reduced it to 9 states and two self-governing cities. So, having more states is not necessarily a bad idea. The breaking up of large states and the creation of smaller states might even be a blessing in disguise as it might have the effect of strengthening the federal government, an important asset in the context of a divided society that needs a glue to hold it together. Importantly, what is needed is a federal government that does not believe that the fate of the country is at stake whenever it is faced with a demand for new state. The government must be flexible enough to accommodate reasonable requests while at the same time nudging the demands for the creation of new states to be an outcome of negotiations that increasingly look beyond ethnic homogeneity into administrative convenience and economic viability.

As the case of Sidama has amply demonstrated, simply ignoring the concerns of those that clamor for their own state might cost the country dearly. More than two dozen of people lost their lives when the attempt of activists from the Sidama ethnic group to declare their own state did not materialize. The decision of Abiy Ahmed's government to reject the unilateral declaration of the creation of new state and force the actors to follow the constitutional path towards the creation of a new state was appropriate. Yet, a proactive negotiation with all stakeholders and a quick deployment of security forces when violence broke out would have saved the numerous lives that were lost unnecessarily in July 2019.

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